

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY WRIGHT, <div style="text-align: center;">Petitioner,</div> <div style="text-align: center;">v.</div> MICHAEL WENEROWICZ, <u>et al.</u> , <div style="text-align: center;">Respondents.</div> <div style="border-top: 1px solid black; margin-top: 10px;"></div>	: : : : : : : : : : :	CIVIL ACTION No. 13-7348
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ORDER

AND NOW, this 22nd day of September, 2014, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, Respondents' Response thereto, Petitioner's "Motion to the Court for Stay, and Abeyance," and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated August 27, 2014, and there being no objections to the Report and Recommendation, it is hereby **ORDERED** that:

1. The Report and Recommendation (doc. no. 9) is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus (doc. no. 1) is a "mixed petition" containing both unexhausted and exhausted claims and is therefore **DISMISSED WITHOUT PREJUDICE** "leaving the [petitioner] with the choice of returning to state court to exhaust his claims or of amending or resubmitting the habeas petition to present only exhausted claims to the district court," Rose v. Lundy, 455 U.S. 509, 510 (1982);
3. The Motion for Stay and Abeyance (doc. no. 2) is **DENIED**;
4. There is no basis for the issuance of a certificate of appealability; and
5. The Clerk of Court is directed to mark this case **CLOSED**.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.